

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE COMMISSION :
Plaintiff, :
- vs - : **08 Civil Action No: 4612 (CM)**
: **ECF Case**
:
JOHN MICHAEL KELLY, :
STEVEN E. RINDNER, and :
MARK WOVSANIKER :
:
Defendants. :
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**NOTICE OF MOTION TO STRIKE PLAINTIFF'S RULE 56.1(B) STATEMENT OF
ADDITIONAL MATERIAL FACTS PRECLUDING SUMMARY JUDGMENT**

Defendant Mark Wovsaniker, through his undersigned counsel, hereby moves that the Court strike Plaintiff Securities and Exchange Commission's Rule 56.1(b) Statement of Additional Material Facts Precluding Summary Judgment. As support for this motion, Defendant Mark Wovsaniker shall rely upon this Notice of Motion to Strike Plaintiff's Rule 56.1(b) Statement of Additional Material Facts Precluding Summary Judgment and Proposed Order, and Defendant Mark Wovsaniker's Memorandum of Law in Support of His Motion to Strike.

Respectfully submitted,

K&L GATES LLP

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